COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 11, 2010

OFFICE CORRESPONDENCE FILE NO. FO2250138

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MARY DE BELLA, #[redacted]
DEPUTY SERGIO RUVALCABA #[redacted]
DEPUTY DAVID Z. CHI #[redacted]
DEPUTY JEFFREY A. FARMAR #[redacted]
DEPUTY DARYL L. WILLIAMS #[redacted]
RESERVE DEPUTY BRYAN T. ALARID #[redacted]
RESERVE DEPUTY THOMAS M. YATES #[redacted]
SERGEANT JAMES G. ROSS #[redacted]
SERGEANT DAVID G. WARD #[redacted]
LOMITA STATION

On August 31, 2009, at approximately 1955 hours, Lomita Sheriff's Station Deputy Sergio Ruvalcaba #[redacted] unit 175, received a call for service regarding a prowler in the backyard of [redacted] Mt. Whitney Way, Rancho Palos Verdes. The assisting patrol unit was 171, Deputy Mary De Bella #[redacted] and Deputy David Chi #[redacted] The prowler was described in the call.

Deputy Ruvalcaba saw a male matching the description of the suspect appear from the south side of the location and attempted to detain him. The suspect began running southbound Mt. Whitney way toward the cul-de-sac. Deputy Ruvalcaba and Deputy De Bella initiated a foot pursuit and a radio broadcasted was made.

Deputy De Bella and Ruvalcaba saw the suspect run to the south side [redacted] Mt. Whitney Way. Deputies De Bella and Ruvalcaba contacted the resident of the location and asked if they could search for the suspect.

Eventually, Deputy De Bella found the suspect squatted in the northwest corner of a room within the residence. Deputy De Bella advised assisting deputies that she was holding the suspect at gunpoint. She ordered him to lay face down on the floor. He did not comply. Instead, he raised his arms in a combative stance and repeatedly said,"I am a Navy SEAL."

Deputy De Bella sprayed a two second burst of O.C. toward the suspect's face. There was no affect. The suspect then lunged at her. Deputy De Bella and Deputy Ruvalcaba struggled with the suspect while continually shouting verbal commands at him to stop fighting. Deputy Ruvalcaba managed to handcuff the suspect's left wrist.

The suspect began to swing his left arm to break free from Deputy Ruvalcaba's grasp. Deputy De Bella punched the suspect several times in the face. She deployed a two second burst of O.C. spray a second time to the suspect's face. Again, no affect.

Deputy Ruvalcaba could no longer hang onto the suspect's loose cuff. He advised the assisting units that they were involved in a fight with the suspect. Deputy De Bella struck the suspect's left rib cage several times with her flashlight.

Deputy Chi and Deputy Shawn Cliver #[redacted] entered the room and began to struggle with the suspect. Deputy Chi struck the suspect on his elbow, arms and shoulders with his collapsible baton. Sergeant James Ross #[redacted] entered the room and punched the suspect on his left bicep and elbow. He applied a second handcuff to the dangling cuff, hoping to handcuff the suspect, with no success.

Deputy Jeffrey Farmar #[redacted] entered the room and fired his Taser striking the suspect in the stomach area. There was minimal affect to the suspect. Detective Daryl Williams #[redacted] arrived and took a position in the backyard in view of the suspect. Deputy Farmar activated the Taser two additional times. The third instance, the suspect fell striking his forehead onto a desk causing him to bleed profusely.

The suspect and jumped through the window into the backyard, three feet away from Detective Williams. Detective Williams struck the suspect on his upper arm and back with his expandable baton. The suspect placed his bloody hand onto Detective Williams' mouth and slid it down, clamping it around his throat. Detective Williams jabbed the suspect in the stomach with his baton. The jabs did not affect the suspect.

Due to the suspect's tremendous strength, Detective Williams feared for his life or great bodily injury and decided to use deadly force, striking the suspect once in the forehead with his baton. The assisting deputies took the suspect down to the ground where he continued to fight. Sergeant David Ward #[redacted] punched the suspect in the face. Reserve Deputy Bryan Alarid #[redacted] Tased the suspect and Deputy Thomas Yates #[redacted] hobbled his ankles. The suspect was handcuffed and carried to the front yard.

The suspect was examined at the scene by Los Angeles County Fire Paramedics and was subsequently transported to Little Company of Mary Hospital in San Pedro for further evaluation by Dr. Ron Melendez under Patient # Z000368422 for multiple lacerations to his face, arms and back. While at the hospital, the suspect became combative towards deputies and medical personnel. The suspect was sedated and his limbs were placed in leather restraints.

The suspect was admitted for an unrelated medical condition. After numerous tests, Dr. Parivash Mohamadi determined the suspect was suffering from traumatic schizophrenia and required admission to a psychiatric hospital.

On July 22, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Mary De Bella, #[redacted] Deputy Sergio Ruvalcaba #[redacted] Deputy David Z. Chi #[redacted] Deputy Jeffrey A. Farmar #[redacted] Reserve Deputy Bryan T. Alarid #[redacted] Reserve Deputy Thomas M. Yates #[redacted] Deputy Daryl L. Williams #[redacted] Sergeant James G. Ross #[redacted] and Sergeant David G. Ward #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.30, Use of Deadly Force by Deputy Daryl L. Williams #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

IV2250138

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EXHIBITS:

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 509-03354-1746-062	Date: 8/31/09	Time: 1956 hours	
Location: [redacted] S. Mount Whitney Way	City or Station: Rancho Palos Verdes		
Bureau/Station/Facility: Lomita Sheriff's Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant/Less than Use of Force: Flashlighty/Taser/Hobble/O.C./Baton/Personal Weapons/Resisted Handcuffing/Control Hold			
Deputy Injury: YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☒ Call	☐ Observation	☐ Detail	☒ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Curtis Jensen	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	De Bella	Mary	NMN

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	H	Lomita Sheriff's Station	171

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	140

☒ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case # | Directed Force ☐ Significant Force ☐

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Ruvalcaba	Sergio	NMN

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Lomita Sheriff's Station	175

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	200

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case # | Directed Force ☐ Significant Force ☐

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Chi	David	Z.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	A	Lomita Sheriff's Station	171

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	600	190

☒ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case # | Directed Force ☐ Significant Force ☐

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Ross	James	Gary	Sgt.	YES ☒ NO ☐	YES ☒ NO ☐
[redacted]	Ward	David	Gregory	Sgt.	YES ☒ NO ☐	YES ☒ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Eschagary	Steve	V.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Stuckey	Vicki	L.

Watch Commander (**Print Name**): Teri Roberts, Sergeant | Watch Commander's **Signature**: | Emp #: [redacted] | Date

Supervisor Completing Form: (**Print Name**): Ronene M. Anda | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/06)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
5 0 9 - 0 3 3 5 4 - 1 7 4 6 - 0 6 2

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Cliver	Shawn	David

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lomita Sheriff's Station	171A

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	160

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	Farmar	Jeffrey	Allen

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lomita Sheriff's Station	173

Shift		Age	Height	Weight
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	150

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	Ross	James	Gary

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lomita Sheriff's Station	170S

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	507	210

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 7

Employee #	Last Name	First Name	Middle Name
[redacted]	Ward	David	Gregory

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lomita Sheriff's Station	170S

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	165

	Hospital	Coroner Case #	
☒ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 8

Employee #	Last Name	First Name	Middle Name
[redacted]	Alarid	Bryan	Todd

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Lomita Sheriff's Station	171J

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	175

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☒ Significant Force ☐

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
5 0 9 - 0 3 3 5 4 - 1 7 4 6 - 0 6 2

Involved Employee

E 9

Employee #	Last Name	First Name	Middle Name
[redacted]	Williams	Daryl	Lawson

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	W	Lomita Sheriff's Station	175A

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	510	210

	Hospital:	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [X]

E 10

Employee #	Last Name	First Name	Middle Name
[redacted]	Yates	Thomas	Michael

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	W	Lomita Sheriff's Station	171J2

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	507	155

	Hospital:	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [X] Significant Force [ ]

E 11

Employee #	Last Name	First Name	Middle Name
[redacted]	Taylor	Keith	Anthony

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	B	Lomita Sheriff's Station	171S

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	508	215

	Hospital:	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [ ]

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	0		

	Hospital:	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [ ]

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Hospital:	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [ ]

Supervisor's Report on Use of Force
SUSPECT INFORMATION
5 0 9 - 0 3 3 5 4 - 1 7 4 6 - 0 6 2

Suspect Information

S 1

Last Name: Lee | First Name: James | Middle Name: Kim

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: A | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Age: 38 | Height: 600 | D.O.B. 12-08-70 | Weight: 205 | Armed? ☐

Booking #: 2040676 | Primary Charge Code: 459 P.C. | Secondary Charge Code: 69 P.C. | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Los Angeles County Fire Paramedic Unit: 6 Phone #:

Hospital Admission? ☒ Rec'd Treatment At: Little Company of Mary-San Pedro Hospital Coroner Case #: Mental History ☒

By Doctor: Parivash Mohamadi, M.D. Address: 1300 W. Seventh St., San Pedro 90732 Phone #: 310 514-5245

Under Influence: ☐ YES ☒ NO Substance: Mental Illness ☒

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
5 0 9 - 0 3 3 5 4 - 1 7 4 6 - 0 6 2

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Resendez	Nicholas	Edward
[redacted]	Osburn	Terri	Lynn
[redacted]	Kaono	Jerry	Collins

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	60	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	66	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	A	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Lee	S#1	De Bella, Ruvalcaba	E#1,2	UC	NN	
De Bella	E#1	Lee	S#1	OC	NN	
De Bella	E#1,2	Lee	S#1	PH	NN	
Ruvalcaba	E#2	Lee	S#1	RH	NN	
Lee	S#1	De Bella, Ruvalcaba	E#1,2	UC,RS	NN	
De Bella	E#1	Lee	S#1	PH	NN	FA
De Bella	E#1	Lee	S#1	OC	NN	
Lee	S#1	De Bella, Ruvalcaba	E#1	UC,RS	NN	
Lee	S#1	Chi, Cliver	E#3,4	UC,RS	NN	
Chi, Cliver	E#3,4	Lee	S#1	PH	NN	
Chi	E#3	Lee	S#1	BI	BR	EL/AR/SH
Ross	E#6	Lee	S#1	PH	NN	AR/EL
Ross	E#6	Lee	S#1	RH	NN	
Lee	S#1	Chi, Cliver	E#3,4	PP	AB/BR	BK
Farmar	E#5	Lee	S#1	TR	PW,FA	AD
Williams	E#9	Lee	S#1	BI/BC	NN	AR/BK
Lee	S#1	Williams	E#9	PH	NN	
Williams	E#9	Lee	S#1	BI	LC	FA
Chi, Cliver,Farmar, Ross, Ward	E#3,4,5,6,7	Lee	S#1	TT	NN	
Lee	S#1	Chi, Cliver,Farmar, Ross, Ward	E#3,4,5,6,7	PH,PK,RS,OB	AB/BR	AR/EL
Ward	E#7	Lee	S#1	PH	NN	FA
Lee	S#1	Chi, Cliver,Farmar, Ross, Ward	E#3,4,5,6,7	PK,PH,RS	NN	
Alarid	E#8	Lee	S#1	TR	PW	CH
Ross, Chi, Cliver	E#3,4,6	Lee	S#1	RH	NN	
Yates	E#10	Lee	S#1	HB	NN	

Force Applied

Significant/Less than Use of Force: TAKEDOWN / IMPACT WEAPONS (EXPANDABLE BATON, FLASHLIGHT) / RESISTED HANDCUFFING

Incident Details

Refer to IAB Summary for details.

Report Use of Force by Involved Employee(s)

Refer to IAB Summary for details.

Witness Interview(s)

Refer to IAB Summary for details.

Suspect Interview(s)

Suspect Interview(s) Conducted by: ☐ **Watch Commander** ☐ **Supervising Sergeant**

Refer to IAB Summary for details.

Medical Review

Refer to IAB Summary for details.

Training & Tactical Review

☐ **Debriefing held to discuss training and tactical issues.**

Training and Tactical Review to be presented at the Executive Force Review Committee at a pending date and time.

Watch Commander's Review

Training and Tactical Review to be presented at the Executive Force Review Committee at a pending date and time.

Case Status

Refer to IAB Summary for details.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Lomita Sheriff's Station
DATE: August 31, 2009, Monday
TIME: 1956 hours
LOCATION: [redacted] S. Mount Whitney Way, Palos Verdes 90275
URN#: 509-03354-1746-062
IAB#: FO2250138

NATURE OF INCIDENT:

On August 31, 2009, at approximately 1955 hours, Lomita Sheriff's Station Deputy Sergio Ruvalcaba (Employee #[redacted] assigned as patrol unit 175 in the city of Rancho Palos Verdes received a call for service regarding a prowler in the backyard of [redacted] Mt. Whitney Way, Rancho Palos Verdes. The assisting patrol unit was 171, Deputy Mary De Bella (Employee #[redacted] and Deputy David Chi (Employee #[redacted]. The prowler was described as a male white, approximately 20 years of age, 510, 180, with dark hair wearing dark colored shorts.

> **IAB Note: For further details, see Exhibit "B" for a copy of the Incident Details under LMT 09243–0149 (Tag #159.)**

Deputy Nicholas Resendez (Employee #[redacted] contacted the homeowner, Mr. [redacted] who indicated he and his [redacted] saw a male in their backyard, wearing only shorts, approaching their sliding glass door. At this time, Deputy Ruvalcaba saw a male matching the description of the suspect appear from the south side of Mr. [redacted] residence. Deputy Ruvalcaba and Deputy De Bella shouted at the suspect to stop. The suspect glanced at them and began running southbound Mt. Whitney way toward the cul-de-sac.

Deputy Ruvalcaba and Deputy De Bella initiated a foot pursuit. Deputy Ruvalcaba broadcasted over his hand held radio that he was in foot pursuit of the prowler and gave his location.

> **IAB Note: For the CD audio of the emergency traffic, refer to Exhibit "H".**

> **IAB Note: For a copy of the "Foot Pursuit Evaluation Form", refer to Exhibit "C".**

Deputy Resendez heard Deputy Ruvalcaba shout at the suspect and saw Deputies Ruvalcaba and De Bella go into foot pursuit of the suspect. Deputy Resendez and Deputy Chi jumped in their patrol cars and followed Deputies De Bella and Ruvalcaba. Deputy De Bella and Ruvalcaba saw the suspect attempt to open the front door of [redacted] Mt. Whitney Way, but it was locked. The suspect ran to the south side of the residence and jumped the block wall.

Deputy Resendez and Deputy Chi drove their patrol cars west of the residence and contained the west area of the location.

Deputies De Bella and Ruvalcaba removed their weapons from their holsters and knocked on the front door of the house. They told the resident, Mr. [redacted] that they were chasing a male and believe he may be in their backyard. Mr [redacted] told them he and his [redacted] had seen a male in their backyard. The deputies asked if they could search the backyard.

Deputy Ruvalcaba advised SCC, via his hand held radio that they were making entry into the residence. The deputies searched the backyard and were not able to locate the suspect. Deputy Ruvalcaba began setting up a containment.

Mr. [redacted] advised the deputies that his sliding glass door was unlocked when they saw the male in the backyard, and at the time they went to answer the front door. Mr. [redacted] asked the deputies to search his home in the event the suspect entered through the sliding glass door.

Deputy De Bella opened the door to a small dark office adjacent to the kitchen and found the suspect squatted in the northwest corner of the room, attempting to hide. Deputy De Bella broadcasted over the radio that she was holding the suspect at gunpoint. She ordered the suspect numerous times to lay face down on the floor. The suspect did not comply. He raised his arms in a combative stance and repeatedly said,"I am a Navy Seal."

Deputy De Bella holstered her weapon and deployed a two second burst of O.C. spray toward his face. There was no affect. The suspect then lunged at her. She grabbed his left arm with her hands in an attempt to handcuff him.

Deputy De Bella and Deputy Ruvalcaba struggled with the suspect while continually shouting verbal commands at him to stop fighting. Deputy Ruvalcaba managed to handcuff the suspect's left wrist.

The suspect began to swing his left arm to break free from Deputy Ruvalcaba's grasp. Deputy De Bella punched the suspect several times in the face. She deployed a two second burst of O.C. spray a second time to the suspect's face. Again, no affect.

Deputy Ruvalcaba could no longer hang onto the suspect's loose cuff. He advised the

assisting units that they were involved in a fight with the suspect. Deputy De Bella struck the suspect's left rib cage several times with her flashlight.

Deputy Chi and Deputy Shawn Cliver (Employee #[redacted] entered the room and began to struggle with the suspect. Deputy Chi struck the suspect on his elbow, arms and shoulders with his collapsible baton. Sergeant James Ross (Employee #[redacted] entered the room and punched the suspect on his left bicep and elbow. He applied a second handcuff to the dangling cuff, hoping to handcuff the suspect, with no success.

Deputy Jeffrey Farmar (Employee #[redacted] entered the room and deployed his Taser striking the suspect in the stomach area. There was minimal affect to the suspect. Detective Daryl Williams (Employee #[redacted] arrived and took a position in the backyard in view of the suspect. Deputy Farmar activated the Taser two additional times. The third instance, the suspect fell striking his forehead onto a desk causing him to bleed profusely.

<u>IAB Note</u>: For a copy of Deputy Farmar's Taser (Serial #X00-185330) data download printout, refer to Exhibit "D".

The suspect stood on his feet and jumped through the window into the backyard, three feet away from Detective Williams. Detective Williams struck the suspect on his upper arm and back with his expandable baton. The suspect placed his bloody hand onto Detective Williams' mouth and slid it down, clamping it around his throat. Detective Williams then jabbed the suspect in the stomach with his baton. The jabs did not affect the suspect.

Due to the suspect's tremendous strength, Detective Williams feared for his life or great bodily injury and decided to use deadly force. Detective Williams struck the suspect once in the forehead with his baton. The assisting deputies took the suspect down to the ground where he continued to fight on the south side of the house. Sergeant David Ward (Employee #[redacted] punched the suspect in the face to keep from being struck with the loose handcuffs.

Reserve Deputy Bryan Alarid (Employee #[redacted] Tazed the suspect and DeputyThomas Yates (Employee #[redacted] hobbled his ankles. The suspect was handcuffed and carried to the front yard.

<u>IAB Note</u>: For a copy of Deputy Alarid's Taser (Serial #X00-144380) data download printout, refer to Exhibit "D".

<u>IAB Note:</u> For photocopies of the damage to Victim [redacted] residence, refer to Exhibit "E".

The suspect was examined at the scene by Los Angeles County Fire Paramedics and was subsequently transported to Little Company of Mary Hospital in San Pedro for further evaluation by Dr. Ron Melendez under Patient # Z000368422 for multiple lacerations to his face, arms and back.

<u>IAB Note</u>: For photo of S/Lee's injuries, refer to Exhibit "G".

While at the hospital, the suspect became combative towards deputies and medical personnel. The suspect continually lifted himself off the gurney, spit at deputies and attempted to bite Sergeant Keith Taylor (Employee #[redacted]. Deputy Ruvalcaba requested assistance over the radio for 2-3 units to respond regarding a hostile mental patient that was related to an earlier call. Numerous units responded. The suspect was sedated and his limbs were placed in leather restraints.

The suspect was admitted for an unrelated medical condition. After numerous tests, Dr. Parivash Mohamadi determined the suspect was suffering from traumatic schizophrenia and requires admission to a psychiatric hospital.

<u>IAB Note</u>: For further details, refer to Exhibit "F" for a copy of S/Lee's medical records.

Deputy De Bella and Deputy Chi sustained minor scratches, bruises and redness to their arms. Sergeant Ward sustained minor scratches and abrasions to his arms.

<u>IAB Note</u>: For further details, refer to Exhibit "A" for a copy of the incident report (File# 509-03354-1746-062 dated 08-31-09 written by Deputy Ruvalcaba.

<u>IAB Note</u>: For further details, refer to Exhibit "A" for a copy of deputy personnel's supplementary reports on their respective use of force.

Internal Affairs Bureau Lieutenant Curtis Jensen was notified and Sergeants Teri Roberts and Frank Quichocho responded to Lomita Sheriff's station to conduct an administrative review of the incident.

The following deputy personnel reported the following use of force:

Deputy De Bella: Deployed a two second burst of OC spray to the suspect's face twice. Grabbed the suspect's left arm with her hands in an attempt to handcuff him. Knelt on the suspect's back using her body weight to prevent him from turning over. Kneed the suspect in order to keep him down. Punched the suspect on the left side of his face

approximately 8-10 times. Struck the suspect approximately 5-6 times on the left side of his ribcage with her flashlight.

Deputy Ruvalcaba: Resistive handcuffing.

Deputy Chi: Struck the suspect 8-10 times on the elbows, arms and shoulders with his collapsible baton. Placed his knees onto the suspect's legs and used his body weight, along with his hands, to keep the suspect pinned to the ground.

Deputy Cliver: Placed his collapsible baton across the suspect's chest and shoulder, and pulled back to get him to fall to the ground. Punched the suspect twice on his right shoulder blade area.

Deputy Farmar: Deployed the Taser and re-activated it twice.

Sergeant Ross: Sergeant Ross struck the suspect 6-8 times on his left bicep and elbow. Resistive handcuffing.

Sergeant Ward: Punched the suspect four times in the face.

Deputy Alarid: Deployed the Taser.

Detective Williams: Struck the suspect three to four times on his upper right arm and back with his baton. Used several inside blocks with his baton followed by a jab to the stomach after each block. Struck the suspect once in the forehead with an overhand baton strike. Placed his right foot onto the suspect's left arm to keep it down.

Deputy Yates: Applied the hobble restraint.

Sergeant Taylor: Grabbed suspect's hands and held them against his stomach.

The following review is based on written documentation, witness interviews, and involved deputies.

INVOLVED PERSONNEL:

De Bella, Mary - Deputy Sheriff, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 05-02-02
Date Assigned to Patrol: [redacted]

Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents: [redacted]

Ruvalcaba, Sergio - Deputy Sheriff, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 10-18-99
Date Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents: [redacted]

Chi, David Z. - Deputy Sheriff, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 10-25-06
Date Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents: [redacted]

Cliver, Shawn D. - Deputy Sheriff, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 07-10-03
Date Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents: [redacted]

Farmar, Jeffrey A. - Deputy Sheriff, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 09-14-00
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Ross, James G. - Sergeant, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 01-06-88
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Ward, David G. - Sergeant, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 03-14-84
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Alarid, Bryan T. - Level II Reserve, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 09-07-03
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Williams, Daryl L. - Deputy Sheriff, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 03-23-90
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Yates, Thomas M. - Reserve, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 09-17-95
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Taylor, Keith A. - Sergeant, Employee #[redacted]
Lomita Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 08-18-82
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

INVOLVED SUSPECT:

Lee, James Kim, MA/38, Booking #2040676, DOB: 12-08-70
[redacted]
Booking Charges: 459 P.C., 69 P.C.
Main:[redacted] CII:[redacted] CDL:[redacted] FBI:[redacted]

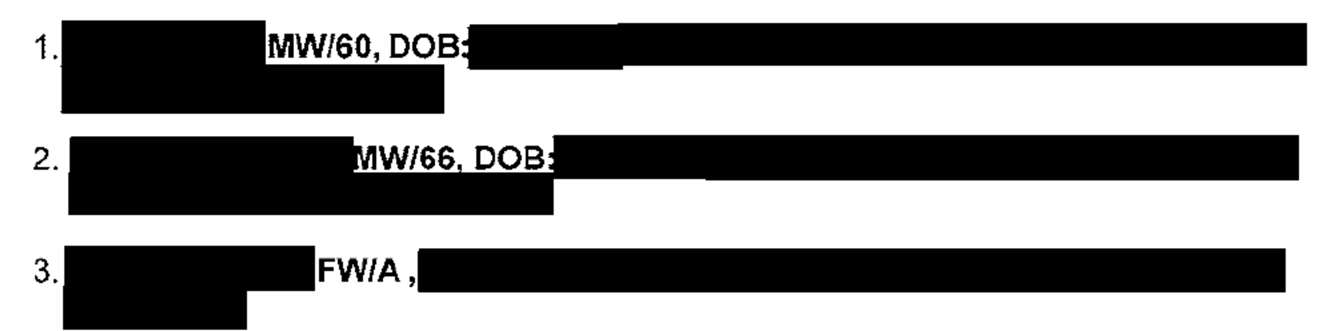
Involved Suspect Criminal History:

[redacted]

DEPARTMENT EMPLOYEE WITNESSES:

1. **Resendez, Nicholas E., MH[redacted]** Deputy Sheriff, Employee #[redacted] Lomita Sheriff's Station.
2. **Osburn, Terri L., FB[redacted]** Deputy Sheriff, Employee #[redacted] Lomita Sheriff's Station.
3. **Kaono, Jerry C., MA[redacted]** Reserve Sergeant, Employee #[redacted] Lomita Sheriff's Station.

NON-DEPARTMENT WITNESSES:



1. [redacted] **MW/60, DOB**[redacted]
2. [redacted] **MW/66, DOB**[redacted]
3. [redacted] **FW/A ,** [redacted]

INJURIES:

Deputy De Bella sustained minor bruises, scratches and redness to her arms and hands.

Deputy Chi sustained minor scratches and bruises to his arms.

Sergeant Ward sustained minor scratches and abrasions to his arms.

Suspect Lee sustained multiple lacerations to his face, arms and back.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

(Refer to photos of scene, Exhibit "E")

The location was dark inside the room and in the backyard.

In the office:

Broken items - window, blinds and desktop.
A chair was turned over.
Blood on the carpet, blinds, file cabinet, and the walls.

Outside:
There was a torn window screen on the ground.
A chair was turned over.
There was blood on the ground and on the chair.

WEAPON USED BY DEPUTY PERSONNEL:

Taser, O.C., Impact weapon (flashlight, expandable baton), Control holds (control techniques), Personal weapons (body, hands, fists, knee, foot). Resisted handcuffing.

WEAPON USED BY SUSPECT:

Uncooperative, Resistance, Personal weapons (body, hands, fists, elbows, feet).

PROPERTY DAMAGE:

Broken window, blinds and desktop. Torn screen. Blood inside and out.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Detective Christine M. Anderson #[redacted]

Court: Torrance
Charges Filed: 459P.C. - Burglary
664/459P.C. - Attempted Burglary (Person present)
148(a)(1)P.C. - Resist/Obstruct/Delay of Peace Officer
2 counts of 647(h)P.C. - Prowling
5 counts of 69 P.C. - Resisting Executive Officer

Case# YA075982

Plea Bargain: 459P.C. - Burglary
1 count of 69 P.C. - Resisting Executive Officer

170 days Jail, 3 years Formal Probation

Conviction date: May 4, 2010

LIGHTING AND WEATHER CONDITIONS:

The incident occurred inside a dark room within a residence and in the backyard. The weather was cool and clear.

INVOLVED EMPLOYEE STATEMENTS:

DEPUTY MARY DE BELLA, Employee #[redacted] was interviewed on September 24, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. Deputy De Bella was represented by Green & Shinee, Attorney Mitchell Kander. The interview took place at the Internal Affairs Bureau and was digitally recorded. The following is a summary.

Deputy De Bella and her partner, Deputy Chi, were assigned to assist Deputies Resendez and Ruvalcaba (unit 175) in a prowler call at [redacted] Mt. Whitney Way in Rancho Palos Verdes. When they arrived at the location, Deputy De Bella stood outside of her vehicle with Deputy Ruvalcaba as Deputy Resendez contacted the informant, Mr. [redacted] at the above address.

Deputy De Bella and Deputy Ruvalcaba noticed a male, fitting the description of the suspect, appear from the bushes on the south side of Mr. [redacted] home. The Deputies and the suspect made eye contact. Deputy Ruvalcaba ordered the suspect to stop. The suspect did not comply and fled on foot southbound Mt. Whitney Way. Deputy De Bella and Deputy Ruvalcaba pursued the suspect on foot for approximately 285 feet. The suspect ran to the front door of [redacted] Mt. Whitney Way and attempted to open it, but it was locked. He then ran to the south side of the residence and jumped over a six foot block wall.

Deputy De Bella and Deputy Ruvalcaba knocked on the front door of the residence and contacted the homeowner, Mr. [redacted] The deputies told him they were chasing a suspect and believe he could be in his backyard. They asked Mr [redacted] if they could go through his house to search his backyard for the suspect. Mr [redacted] directed them through his home to the backyard via his rear sliding glass door.

Deputy Ruvalcaba advised SCC, via his Sheriff's hand held radio, that they were making entry into the residence to search for the suspect. Deputy De Bella and Deputy Ruvalcaba searched the backyard and did not locate the suspect. Mr. [redacted] advised the deputies that the sliding glass door was unlocked when his [redacted] observed the suspect in the backyard. He believes the suspect may have entered their home when they (the deputies) knocked on the front door and he and his [redacted] went to answer it. Mr [redacted] asked Deputy De Bella and Deputy Ruvalcaba to search the inside of their home (2 story house) for the suspect.

Deputy De Bella and Deputy Ruvalcaba decided to clear the bottom floor, and wait for

additional units to arrive prior to clearing the second floor.

Deputy De Bella opened the door to an office that was adjacent to the kitchen and found the suspect sitting on the floor attempting to hide in the northwest corner of the office. There was no light in the room. Deputy De Bella held the suspect at gunpoint from approximately six feet away and ordered him numerous times to lay face down on the ground. The suspect did not comply. He raised his arms in the air in a martial arts type of position as if he was ready to fight and repeatedly said, "I am a Navy Seal."

Deputy De Bella deployed a two second burst of OC spray toward the suspect's face. It had no effect. The suspect lunged at her from his seated position. Deputy De Bella grabbed the suspect's left arm with her hands in an attempt to handcuff him. The suspect began to struggle and attempted to turn over. Deputy Ruvalcaba was standing outside the door of the office and immediately walked in to assist Deputy De Bella. Deputies De Bella and Ruvalcaba continually gave the suspect verbal commands to stop fighting. Deputy De Bella knelt on the suspect's back using her body weight to prevent him from turning over. She also tried to knee him in order to keep him down. Deputy Ruvalcaba managed to handcuff the suspect's left wrist.

Deputy De Bella ordered the suspect to give up his right hand, but he refused. The suspect began to swing his left arm in an attempt to break free from Deputy Ruvalcaba's grasp. The suspect rolled over onto his back as Deputy Ruvalcaba continued holding onto the loose cuff that was attached to the suspect's left wrist.

Deputy De Bella deployed a two second burst of O.C. spray a second time to the suspect's face. Again, no effect. Deputy De Bella punched the suspect on the left side of his face approximately 8-10 times. The suspect continued to resist. Fearing the suspect was going to use the loose handcuff as a weapon against them, Deputy De Bella struck the suspect approximately 5-6 times on the left side of his ribcage with her flashlight. The suspect continued to fight and kick in an attempt to break free.

Deputy Chi and Deputy Cliver walked into the room to assist in gaining control of the suspect. Deputy De Bella indicated she was on top of the suspect trying to keep him down when the suspect suddenly stood up and pushed her into a corner of the room causing her to land on her back. Deputy De Bella opted to exit the room due to there being several deputies in close quarters who were attempting to handcuff the suspect.

While standing in the kitchen area, Deputy De Bella heard glass breaking. She looked into the room and noticed that the office window was shattered. She saw the suspect in the backyard fighting with deputies. Deputy De Bella exited the house through the sliding glass door into the backyard. The suspect was at the south side of the house, on the ground kicking. Deputy De Bella assisted in hobbling the suspect by holding down his legs and standing on them while another deputy administered the hobble.

Deputy De Bella sustained minor bruises, scratches and redness to her arms and hands.

IAB Note: For photos of Deputy De Bella's injuries, refer to CD's in Exhibit "H".

Deputy De Bella reported her use of force to Sergeant Taylor at the scene.

IAB Note: Refer to a copy of Deputy De Bella's transcribed interview for further details.

DEPUTY SERGIO RUVALCABA, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

At approximately 1945 hours, Deputy Ruvalcaba and his partner Deputy Resendez were assigned to handle a prowler call at [redacted] S. Mount Whitney Way in Rancho Palos Verdes. The prowler was described as a male white, approximately 20 years of age, 510, 180, with dark hair wearing dark colored shorts. They arrived at the location with unit 171, Deputies De Bella and Chi. Deputy Ruvalcaba and Deputy Resendez contacted the homeowner, Mr [redacted] who indicated the male was in his backyard.

As Deputy Resendez and Deputy Chi entered Mr. [redacted] home to search for the suspect in the backyard, Deputy Ruvalcaba saw a male matching the description of the suspect appear from the south side of Mr [redacted] residence. Deputy Ruvalcaba was approximately 15 to 20 feet away from the suspect.

Deputy Ruvalcaba ordered the suspect to stop. The suspect looked at him and began to run southbound on Mt. Whitney Way, away from Deputy Ruvalcaba. Deputy De Bella also ordered the suspect to stop, but he continued running.

Deputy Ruvalcaba and Deputy De Bella began running southbound Mt. Whitney Way (southbound Mt. Whitney Way dead ends into a cul-de-sac) after the suspect. Deputy Ruvalcaba broadcasted over his Sheriff's hand held radio that he was in foot pursuit of the prowler, the possible 459 suspect, and gave his location.

Deputy Ruvalcaba and Deputy De Bella saw the suspect flee into the backyard of [redacted] Mt. Whitney Way. The deputies knocked on the door of the residence and told the homeowner, Mr [redacted] that they were chasing a male and asked if they could enter his home. Mr. [redacted] told them he just saw a male in his backyard near his open sliding glass door. Mr [redacted] gave them permission to enter his home and look for the suspect.

Deputy De Bella and Deputy Ruvalcaba searched the backyard and did not locate the suspect. Deputy Ruvalcaba advised Aero and the assisting units, via his hand held radio, that the suspect may have fled in a westerly direction.

Deputy Chi and Deputy Resendez took off in separate patrol cars in a westerly direction,

in an attempt to locate the suspect on Caddington Drive.

Deputy De Bella and Deputy Ruvalcaba re-entered the house from the backyard through the rear sliding glass door. They turned right and walked through the kitchen toward a small office that was dark, located in the southwest corner of the house. When Deputy De Bella entered the room, she yelled, "Get on the ground, get on the ground!" Deputy De Bella had her weapon drawn and the suspect was not complying. She broadcasted on her hand held radio that she was detaining the suspect at gunpoint. Deputy Ruvalcaba said he was less than 8 feet behind Deputy De Bella. He drew his weapon and entered the room. He saw the suspect attempting to hide in a corner of the room. The suspect repeatedly said, "I'm a Navy Seal, I'm a Navy Seal". Deputy De Bella ordered the suspect to get on the ground. She holstered her weapon and deployed her O.C. spray to the suspect's face. It appeared to have no effect on him.

Deputy Ruvalcaba indicated he was contaminated with the O.C. and was unable to see or breath. He believed Deputy De Bella was also exposed due to her coughing.

Again, Deputy De Bella ordered the suspect to get down on the ground and place his hands behind his back. Deputy Ruvalcaba was able to place a handcuff on the suspect's left wrist. The suspect began to tense up and would not allow Deputy Ruvalcaba to handcuff his right wrist. Deputy De Bella got on top of the suspect's back, and as Deputy Ruvalcaba pulled the suspect's right arm, they both tried to take him down. The suspect became combative.

The suspect turned himself over and began swinging with his right fist, in an attempt to strike Deputy De Bella. As Deputy Ruvalcaba continued grasping onto the loose cuff that was attached to the suspect's handcuffed left wrist, Deputy De Bella struck the suspect several times on his head with her right fist. They repeatedly ordered the suspect to stop resisting and fighting, but he would not comply. The suspect kept swinging his left arm as Deputy Ruvalcaba held onto the loose cuff. The suspect was so strong that Deputy Ruvalcaba could no longer hold onto the loose cuff. Deputy De Bella then punched the suspect in the face several times with her fist. Deputy Ruvalcaba advised the assisting units, via his hand held radio, that the suspect was in the house fighting.

When Deputy Ruvalcaba saw Deputy Chi enter the room with other deputies, he left the room and walked out to the front yard to recuperate from the O.C. contamination.

Deputy Ruvalcaba observed several deputies carry the suspect to the front yard of the residence where Los Angeles County Fire Department Engine #6 evaluated and treated the suspect.

Later, while the suspect was being examined at Little Company of Mary Hospital in San Pedro, he became combative towards Sergeant Taylor (#[redacted] and the medical staff. Deputy Ruvalcaba said he requested assistance via his Sheriff's hand held radio for 2-3 additional units to respond. The suspect attempted to get up from his gurney to kick and

bite Sergeant Taylor. Treating physician, Dr. Ron Melendez ordered leather restraints be applied to the suspect's limbs, and medication to sedate him.

IAB Note: Refer to a copy of Deputy Ruvalcaba's transcribed interview for further details.

DEPUTY DAVID CHI, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Chi and his partner Deputy De Bella were assigned to assist Unit 175, Deputies Resendez and Ruvalcaba, on a prowler call. When they arrived at the location [redacted] Mt. Whitney Way, Rancho Palos Verdes), Deputy De Bella went to speak with Deputy Ruvalcaba by his patrol car while Deputy Chi looked for Deputy Resendez.

Deputy Chi heard Deputy Ruvalcaba shout, "Hey you, stop!" He saw Deputy Ruvalcaba and Deputy De Bella run southbound Mt. Whitney Way in foot pursuit of the suspect. Deputy Chi then saw Deputy Resendez run to his patrol car to follow the pursuing deputies. Deputy Chi got in his patrol car and drove behind Deputy Resendez southbound Mt. Whitney Way.

They arrived in front of [redacted] Mt. Whitney Way where Deputy De Bella and Deputy Ruvalcaba were standing in the front yard transmitting the suspect description over the radio. Assuming the suspect may be running through to the other side of the residence, Deputies Chi and Resendez drove separately in their patrol cars behind the location onto Caddington Drive to set up a containment at Mt. Palomar Place. Aero was requested.

While holding his position on Mt. Palomar Place, Deputy Chi heard over the radio that a deputy was holding the suspect at gunpoint at [redacted] Mt. Whitney Way. Deputy Chi drove to the location and saw the resident (Mr. [redacted] standing in front of his home waving his arms, indicating that the deputies were inside his home.

Deputy Chi entered the residence followed by Deputy Cliver. As he ran towards the sliding glass door leading into the backyard, he heard a commotion coming from a room just south of the kitchen. Deputy Chi and Deputy Cliver ran through the kitchen into the office and saw Deputy De Bella and Deputy Ruvalcaba on top of the suspect, trying to control him. The suspect had a loose handcuff dangling from his left wrist and was fighting by punching and elbowing the deputies.

Once Deputy Chi entered the room, he detected a strong odor of O.C. spray in the air. He immediately ordered the suspect to stop fighting and get on the ground. The suspect did not comply. Deputy Chi stood over the suspect and attempted to grab the suspect's arm with both of his hands to place him in a control hold. Deputy Chi noticed that Deputy De Bella and Deputy Ruvalcaba had left the room. The suspect then stood up and took a combative stance with his fists up ready to fight Deputy Chi and Deputy Cliver.

IAB Note: Deputy Chi did not know who deployed the O.C. He found the O.C. container on the desk in the office and assumed it was Deputy De Bella's when she asked for it after the incident.

The suspect swung at Deputy Chi and missed. Deputy Chi deployed his collapsible baton and struck the suspect 8-10 times on the elbows, arms and shoulders. The strikes did not affect the suspect. The suspect grabbed a hold of Deputy Chi's baton and pushed him backwards onto Deputy Cliver. Deputy Farmar entered the room and ordered the suspect to stop fighting and get on the ground or he was going to be Tazed. The suspect did not comply.

Deputy Farmar deployed the Taser causing the suspect to fall to the ground. Deputy Chi, once again, attempted to grab the suspect's arm to place him in a control hold in order to handcuff him. The suspect was temporarily stunned by the darts. He stood up and was ready to fight the deputies. Deputy Farmar activated the Taser a second time causing the suspect to fall to the ground. The suspect stood up again. Deputy Farmar activated the Taser a third time causing the suspect's body to go limp. He fell face forward striking his head on the edge of the desk.

Deputy Chi attempted to grab the suspect's arm again. The suspect stood up on his feet, pushed Deputy Chi and Deputy Cliver, then jumped through the closed window into the backyard where he began fighting with deputies. Deputy Chi and Deputy Cliver ran out of the room and accessed the backyard through the sliding glass door.

Deputy Chi saw the suspect in the south side of the backyard struggling on the ground with Sergeant Ross, Sergeant Ward and Detective Williams. Deputy Chi placed his knees onto the suspect's legs and used his body weight, along with his hands, to keep the suspect pinned to the ground. The suspect struggled for several minutes and eventually was handcuffed. Deputy Yates applied the hobble to the suspect's legs. Deputy Cliver, Detective Williams, Sergeant Ward and Sergeant Ross carried the suspect to the front yard of the location where he was examined and treated by Los Angeles Fire Department Paramedics.

Deputy Chi sustained minor scratches and bruises to his arms as a result of the incident. He reported his use of force to Sergeants Ross, Ward and Taylor at the scene.

IAB Note: For photos of Deputy Chi's injuries, refer to CD's in Exhibit "H".

IAB Note: Refer to a copy of Deputy Chi's transcribed interview for further details.

DEPUTY SHAWN CLIVER, Employee# [redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview

took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Cliver responded to the location regarding deputies involved in a foot pursuit of a prowler/burglary suspect. Aero was coordinating the containment and instructed him to post mid-block on Mt. Whitney Way in Rancho Palos Verdes.

Over the radio, Deputy Cliver heard a deputy request assistance indicating they were involved in a fight at [redacted] Mt. Whitney Way. Deputy Cliver was unable to find the location due to an incorrect address. He saw Deputy Chi drive up to [redacted] Mt. Whitney Way and followed him into the residence to a room in the rear of the house where he could hear yelling and scuffling.

When Deputy Cliver entered the room, he felt the effects of O.C. spray and believed it had been deployed on the suspect. He saw Deputy De Bella and Deputy Ruvalcaba on the floor fighting with the suspect as they were attempting to restrain him. The suspect got up and began punching and kicking them. Deputy De Bella and Deputy Ruvalcaba backed off.

Deputy Chi attempted to grab the suspect's arms. The suspect kicked and punched Deputy Chi while attempting to exit the room. The suspect violently pushed Deputy Cliver and Deputy Chi causing Deputy Cliver to fall back onto the desk, then to the floor.

Deputy Cliver heard numerous deputies shouting commands at the suspect to stop fighting and to get on the ground. The suspect did not comply. Deputy Cliver heard a Taser deploy causing the suspect to fall forward and strike his head on the desk. The suspect got up, jumped through the office window and into the backyard.

Deputy Cliver ran through the kitchen and out the sliding glass door to the backyard where he saw the suspect lunge at Dep. Williams. Deputy Cliver ran up behind the suspect and placed his collapsible baton across his chest from his left shoulder to his right, and pulled back with both hands in an attempt to take him down to the ground. Additional deputies responded and were able to take the suspect down to the ground. Deputy Cliver then utilized his hands and body weight to keep the suspect pinned to the ground.

Deputy Cliver heard someone say, "Taser", indicating they were going to taze the suspect. Deputy Cliver did not have sufficient time to release his grasp of the suspect and felt the jolt of the Taser. He noticed the wires were tangled up in his (Deputy Cliver's) arm and did not know if the wires were from the first deployment or the second.

The suspect continued to punch and kick his legs as the deputies were attempting to hobble his feet. Deputy Cliver punched the suspect twice on his right shoulder blade area. The suspect continued to struggle for several minutes. The suspect had one handcuff attached to his left wrist. A second pair of handcuffs were attached to the first pair and ultimately the suspect's right wrist was handcuffed in front of him.

Deputy Cliver assisted in carrying the suspect out to the front yard. The suspect was placed on the grass positioned on his side while waiting for Paramedics to arrive. The suspect continually tried to roll over onto his stomach and back while being treated by the Paramedics.

Deputy Cliver reported his use of force to Sergeant Ross at the scene.

> **<u>IAB Note</u>: Refer to a copy of Deputy Cliver's transcribed interview further details.**

DEPUTY JEFFREY FARMAR, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Farmar and his partner, Deputy Osburn, heard Deputy Ruvalcaba broadcast over the Sheriff's radio that he was in foot pursuit of a prowler and provided his location. Deputy Farmar and Deputy Osburn responded. As they turned the corner onto Mt. Whitney Way, Deputy Ruvalcaba broadcasted over the radio that he was involved in a fight at the location. When Deputy Farmar and Deputy Osburn arrived at the location, they saw the resident (Mr.[redacted] standing in front of his home and yelling that the deputies were in the rear of the house.

When Deputy Farmar entered the residence, he heard scuffling noises and Deputy Chi shouting several verbal commands to "Stop fighting." As he approached the room in the southwest corner of the house, he saw Deputy Chi standing in the south side of the room holding a baton and Sergeant Ross on the north side. Both were ordering the suspect to stop fighting and to get on the ground. When Deputy Farmar entered the room, he detected the smell of O.C. spray and determined that it had been deployed on the suspect. He saw a male Asian standing next to a window along the west wall with a loose handcuff dangling from his left wrist.

> **<u>IAB Note</u>: Deputy Farmar did not indicate he saw Deputy Cliver in the room with Deputy Chi and the suspect. He was unsure who exactly was in the room as his focus was strictly on the suspect.**

The suspect was in a fighting stance with his fists in front of his face. The suspect swung his right fist at Deputy Chi's face and missed. Deputy Chi struck the suspect on the left arm with his baton. The strike did not affect the suspect.

The suspect charged and pushed Deputy Farmar and Deputy Chi causing them to fall against the west wall. Deputy Farmar told the suspect to get on the ground and that he was going to use the Taser. Deputy Farmar deployed the Taser at the suspect for approximately five seconds causing the darts to embed in the skin of his stomach area.

The suspect fell to the floor in a seated position with his back against the northwest corner of the room.

Deputy Chi approached the suspect in an attempt to handcuff him. The suspect immediately began to get up off the floor. Deputy Chi backed away. Deputy Farmar activated the Taser a second time for five seconds. The activation did not appear to phase him. The suspect was able to get up on his feet. Deputy Farmar activated the Taser a third time for five seconds. The suspect's body became rigid. He fell forward striking his forehead onto a desk.

> **<u>IAB Note</u>: For a copy of Deputy Farmar's Taser (Serial #X00-185330) data download printout, refer to Exhibit "D".**

The suspect got off the desk and suddenly jumped through the window, face first, into the backyard. Deputy Farmar ran into the backyard and saw numerous deputies attempting to handcuff the suspect in a narrow pathway on the south side of the house. He heard someone say, "Get a hobble. Get a hobble." The suspect was then carried out to the front yard of the residence pending the arrival of Paramedics.

The suspect was transported to Little Company of Mary Hospital in San Pedro via ambulance to be examined and treated. While at the hospital, the suspect became combative towards deputies and medical personnel. Deputy Ruvalcaba requested assistance via his Sheriff's hand held radio for 2-3 units to respond regarding a hostile mental patient that was related to an earlier call.

Deputy Farmar responded to the hospital. He saw the suspect attempting to get up from the gurney after loosening the leather restraints that were placed on him when he arrived in the emergency room. Deputy Farmar secured the suspect's right foot restraint. He also grabbed the suspect's shoulder and pulled him back onto the gurney.

The suspect began to spit at the deputies. The suspect's sputum contained blood and struck Deputy Farmar's face, forehead, back and neck areas.

> **<u>IAB Note</u>: Refer to a copy of Deputy Farmar's transcribed interview for further details.**

SERGEANT JAMES ROSS, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Sergeant Ross and Sergeant Ward were in the Sergeant's vehicle when they received a call to assist Lomita units on a prowler call. While responding, they heard radio traffic indicating a deputy was involved in a fight. When they arrived at the location, Sergeant

Ross entered the residence through the open garage door and saw Deputy De Bella bent over, coughing, and running around the kitchen and dining room area, attempting to recover from O.C. exposure. Sergeant Ross smelled a strong odor of O.C. spray.

Deputy De Bella and the male resident (Mr [redacted] pointed to a small room south of the kitchen where he heard banging noises and loud screaming. Sergeant Ross entered the room and saw Deputy Cliver and Deputy Chi holding their expandable batons, and Deputy Farmar, who was holding a Taser of which he had just deployed.

The suspect was standing in the northwest corner of the room and had just pushed Deputy Chi back. The suspect lunged toward the deputies several times. The deputies were all shouting for the suspect to "Get on the ground, stop fighting, and stop resisting." Sergeant Ross illuminated the room with his flashlight due to the dim light. When the suspect saw Sergeant Ross enter the room, he lunged toward Sergeant Ross in an aggressive manner with his fists up ready to fight. Sergeant Ross struck the suspect 6-8 times on his left bicep and elbow. The strikes did not affect him. Deputy Farmar activated the Taser which caused the suspect to fall forward, slamming his face and forehead onto the corner of the computer desk. The suspect then fell face down on the floor.

Sergeant Ross latched a cuff onto Ruvalcaba's dangling cuff which was on the suspect's left wrist. Sergeant Ross hoped Deputy Cliver and Deputy Chi could secure the suspect's right wrist with the cuff of the second pair. The suspect immediately recovered, rolled over onto his stomach, got up on his feet and pulled away from the deputies and Sergeant Ross while swinging his left hand at them with the two pairs of handcuffs attached. They were unable to grab the suspect due to him being slippery from the blood on his body. The suspect then jumped through the window and into the backyard where Detective Williams was standing. The suspect placed his hands around Detective Williams' neck, chest and shoulder area.

Sergeant Ross used his flashlight to clear out the glass shards from the window frame to exit the room into the backyard. The suspect was on the ground on the south side of the house continuing to resist. He was on his back flailing his arms, punching and kicking at the deputies. Up to six deputies were attempting to control his head, arms, legs and upper body. Sergeant Ross handcuffed the suspect's right wrist with the two handcuffs that were attached to his left wrist. He was handcuffed in the front.

> **<u>IAB Note</u>: At some point during the struggle in the backyard, Sergeant Ross heard a Taser deploy but was not sure who deployed it. He was not within view.**

The suspect continued to swing his arms up and down to punch anyone who got near him. Several deputies rolled the suspect onto his stomach and pulled his arms outward to control him. The suspect began to kick. Sergeant Ross placed his right knee next to the suspect's ribcage, grabbed the suspect's belt and applied downward pressure to control his mid-section.

The suspect continued to kick. Sergeant Ross directed Reserve Deputy Yates to apply the hobble to the suspect's legs. As they were carrying the suspect out to the front yard, the suspect was apologizing for his actions.

Sergeant Ross stated Deputies Resendez and Ruvalcaba had the handle on this incident. He said he never saw Deputy Ruvalcaba.

Sergeant Ross indicated the Taser darts embedded in the lower right of the belly button, lower right of the left nipple on his upper torso and mid torso.

Sergeant Ross reported his use of force to Watch Commander Lieutenant Stuckey via telephone.

> **<u>IAB Note</u>: Refer to a copy of Sergeant Ross' transcribed interview for further details.**

SERGEANT DAVID WARD, Employee#[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Sergeant Ward and Sergeant Ross responded to the location regarding an assistance request of a deputy involved in a fight. Sergeant Ward ran through the open front door behind several deputies. They went to a room/office located in the southwest corner of the house. As he walked toward the room, he saw Deputy De Bella walking out.

Sergeant Ward stopped at the threshold of the room because he could not go any further. The room was small and there were already deputies in the room. He saw Deputy Chi, Sergeant Ross and one other deputy inside the room attempting to restrain the suspect. Every option of controlling the suspect had no effect on him at all.

During the struggle Sergeant Ward heard glass break and someone say, "He's going out the window. He's going out the window." Sergeant Ward exited through the sliding glass door into the backyard where he saw the suspect attack a deputy. Sergeant Ward and one other deputy attempted to restrain the suspect. While struggling with the suspect, Sergeant Ward noticed a loose handcuff hanging from the suspect's left wrist when he began to flail it around. Sergeant Ward punched the suspect four times in the face to keep from being struck with the loose handcuff. The deputies were unable to gain control of the suspect's left arm due to the slippery blood on his body.

The suspect was taken down to the ground on the south side of the house. Several deputies were on top of the suspect to keep him pinned to the ground. There was one deputy holding each appendage. Sergeant Ward was holding the suspect's head to prevent any further injury.

While they were attempting to handcuff the suspect, Sergeant Ward believed the suspect was Tazed twice due to him feeling a tingle in his hand. The first activation was for two seconds. After approximately one minute, he felt a second activation for a duration of less than five seconds.

The suspect was finally handcuffed in the front, hobbled and carried out to the front yard to await the arrival of Paramedics.

Sergeant Ward sustained minor scratches and abrasions to his arms. Sergeant Ward reported his use of force to Sergeant Taylor at the scene and Lieutenant Stuckey.

<u>IAB Note</u>: Refer to a copy of Sergeant Ward's transcribed interview for further details.

RESERVE DEPUTY BRYAN ALARID, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Alarid and Reserve Sergeant Kaono heard emergency traffic over the radio indicating deputies were in foot pursuit of a prowler and were chasing him into a residence. They requested assistance when they encountered the combative suspect in the residence.

When Deputy Alarid and Sergeant Kaono arrived in the cul-de-sac area, Aero was hovering above the location and broadcasted over the radio that the suspect was fighting with deputies in the backyard of the residence.

Deputy Alarid and Sergeant Kaono ran into the house through the front door and saw the resident, Mr [redacted] pointing towards the back yard. They ran into the backyard through the sliding glass door and heard a commotion on the south side of the house. The area was small and dark. There were five to six deputies struggling with the suspect.

Deputy Alarid heard someone say, "Taze him, Taze him, Taze him. Does anybody else have a Taser?" Deputy Alarid pulled out his Taser and told the suspect, "Stop struggling. Your gonna get tazed!" When the deputies let go of the suspect, the suspect sat up and pushed himself against a wall, attempting to get up on his feet. Deputy Alarid took this opportunity to deploy his Taser for five seconds. The darts embedded in the skin of the suspect's stomach area. The suspect dropped and the deputies took the suspect to the ground, placing him on his side. Deputy Alarid noticed the Taser wires were somehow severed.

<u>IAB Note</u>: For a copy of Deputy Alarid's Taser (Serial #X00-144380) data download printout, refer to Exhibit "D".

The suspect, with the loose handcuff still on his left wrist, continued to punch, kick and flail his arms at the deputies.

The deputies got on top of the suspect and applied their body weight to pin him down to the ground. He kicked at deputies until his legs were restrained with the hobble. The suspect continued to struggle by rolling back and forth onto his back and stomach. After several minutes, they were finally able to cuff the suspect's right wrist with the hook from the second set of handcuffs that were dangling from his left wrist The handcuffs were secured in the front.

Several deputies carried the suspect to the front yard of the residence and placed him on the grass to await the arrival of Paramedics.

Deputy Alarid stated the suspect was yelling and screaming at the deputies, but they were unable to comprehend what he was saying.

Deputy Alarid reported his use of force to Sergeants Ross and Taylor at the scene. Lt. Stuckey was notified on the telephone.

IAB Note: Refer to a copy of Reserve Deputy Alarid's transcribed interview for further details.

DETECTIVE DARYL WILLIAMS, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Detective Williams heard over the radio of a prowler call being assigned to another patrol unit. When he heard the deputy broadcast over the radio that they were involved in a foot pursuit of the suspect, Detective Williams responded to assist in the containment. Moments later, the deputy advised they were holding the suspect at gunpoint inside a house on Mt. Whitney Way. Shortly thereafter, they broadcasted over the radio that they were involved in a fight with the suspect inside the residence.

Detective Williams responded to the location and entered the house with other responding deputies. When he came to a small room in the southwest corner of the house, he saw five to six deputies in the dark room shouting numerous verbal commands at the suspect, who was shirtless, to get down on the floor. Detective Williams took a quick glance in the room and saw Deputy De Bella and possibly Deputy Meyer. Detective Williams saw that the suspect had two Taser probes in his chest area and he appeared very agitated.

It was obvious to Detective Williams that O.C. had been deployed due to the smell permeating the room. The window on the west wall overlooking the backyard was shattered and it appeared as though a struggle had ensued within the room.

Detective Williams heard a command for another Taser activation. The suspect tensed up for a moment and then continued yelling unintelligible words. He believed the suspect was under the influence of PCP or a similar controlled substance due to him being resistive to the O.C. and the Taser.

Detective Williams felt there were sufficient deputies within the ten by ten foot room. Looking through the shattered window, he clearly was able to see that there were no deputies positioned in the backyard to prevent his escape. Detective Williams opted to exit the sliding glass door and position himself outside the window and to the south where he could visually see the suspect and not be in the line of fire. Detective Williams was holding his expandable baton.

Detective Williams then heard a third activation of the Taser. It did not appear to affect the suspect.

Moments later, he saw the suspect jump out of the window. The suspect immediately stood up, within three feet of Deputy Williams, and faced him. Deputy Williams stepped back and struck the suspect three to four times on his upper right arm and back with the baton. The suspect went down for an instant and got back up. The suspect placed his bloody left hand onto Detective Williams' mouth, then slid it down and clamped it around his throat. As the suspect was about to grab Detective Williams' throat with his right hand, Detective Williams used several inside blocks with his baton to keep the suspect's right arm away from him, followed by a jab to the stomach after each block. The baton strikes had no affect on the suspect.

<u>IAB Note</u>: Detective Williams' baton is a standard straight expandable baton, "Monadnock", which has a foam grip and two steel extensions.

Detective Williams was positioned with his right leg forward and his left (gun side) leg back slightly while the suspect was pushing him backwards, causing him to become off-balance. Deputy Williams felt he should protect his weapon with his right hand rather than trying to remove the suspect's bloody and slippery left hand from his throat.

Detective Williams did not know if the suspect had a piece of broken glass in his right hand and feared the suspect was about to stab or choke him. He was in fear for his life or great bodily injury. Knowing that several deputies were unsuccessful up to this point in gaining control of the suspect due to his tremendous strength, Detective Williams did not want to give the suspect more of an advantage and risk crushing his windpipe.

Holding the baton in his left hand and believing he had no other option, Deputy Williams decided to use deadly force. He struck the suspect once in the forehead with an overhand baton strike hoping it would stop or slow his attack. The suspect reacted and stopped advancing toward Detective Williams.

Detective Williams stepped back to regain his balance while the deputies exited the house and took the suspect to the ground face down. The suspect began to flail his arms and attempt to get up. Detective Williams placed his right foot onto the suspect's left arm to keep it down. The two handcuffs were still attached. Several deputies used their body weight in an attempt to pin the suspect to the ground. The suspect was still able to lift his body up.

After the suspect's ankles were hobbled, several deputies carried him to the front yard of the location where Paramedics treated him.

The suspect was subsequently transported via ambulance to Little Company of Mary Hospital in San Pedro. He became violently combative and had to be restrained with leather restraints. The suspect pulled his arm away several times as the nurse attempted to administer a sedative by injection. Detective Williams applied his body weight to the right wrist strap of the leather restraint to hold the suspect's arm in position for the injection.

Detective Williams reported his use of force to Sergeants Ross, Ward and Taylor at the scene.

> **IAB Note: Detective Williams contacted a [redacted] Mr.[redacted], who was taking photos of the front of Mr.[redacted] home on the night of the incident. Refer to Exhibit "H", see CD marked "[redacted] photos."**
>
> **IAB Note: Refer to a copy of Detective Williams' transcribed interview for further details.**

DEPUTY THOMAS YATES, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Yates heard a prowler call broadcasted over the radio. The call was assigned to another patrol unit. Deputy Yates monitored the call as it was out of his patrol area. Approximately ten minutes later, he heard emergency traffic over the radio indicating deputies were in foot pursuit of the prowler and were chasing him into a residence.

Deputy Yates began to respond to the location to assist in the containment. When he reached Caddingon Drive, the deputies indicated they were inside the residence fighting with the suspect and requested assistance. When Deputy Yates reached Mt. Whitney Way, Aero was overhead and broadcasted to the responding units that the deputies were in a fight in the backyard of the residence.

Deputy Yates drove to the end of the cul-de-sac and arrived at the location. He ran

through the northeast gate of the residence into the backyard and saw the suspect, face down, on the ground flailing his arms on the south side of the residence. There were six to eight deputies attempting to control and handcuff the suspect. The suspect was struggling and not complying with any of the deputies' verbal commands. Deputy Yates noticed two probes in the suspect's chest due to him being Tazed. The wire leads were not attached.

Deputy Yates heard someone shout, "Hey, does anyone have a hobble?" Deputy Yates said he had one in the car and ran to retrieve it.

Deputy Yates returned to the backyard and observed the suspect kicking. He crossed the suspect's feet, wrapped the hobble and cinched it down around his ankles.

Deputy Yates saw that the suspect had two handcuffs attached to one wrist. At some point, the handcuffs were hooked together to secure his hands. After Deputy Yates hobbled the suspect, it took approximately two minutes to control the suspect. The suspect was then carried out to the front yard by several deputies where he was examined and treated by Paramedics.

Deputy Yates reported his use of force to Sergeant Ross at the scene.

IAB Note: Refer to a copy of Deputy Yates' transcribed interview for further details.

DEPUTY KEITH TAYLOR, Employee #[redacted] stated in his supplemental report that he was at Little Company of Mary Hospital in San Pedro overseeing the security of the suspect.

At approximately 2155 hours, the suspect began to fight with the deputies and medical staff. While handcuffed, he lifted himself up and tried to grab, bite and head-butt Sergeant Taylor. Sergeant Taylor grabbed both of the suspect's hands and held them against his (suspect's) stomach.

IAB Note: Refer to a copy of Sergeant Taylor's supplemental report, Exhibit "A", for further details.

DEPARTMENT EMPLOYEE WITNESSES STATEMENTS:

DEPUTY NICHOLAS RESENDEZ, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Resendez and his [redacted] Deputy Ruvalcaba, were assigned to handle a prowler call at [redacted] Mt. Whitney Way in Rancho Palos Verdes. The assisting unit, Deputy De

Bella and Deputy Chi arrived at the location with the handling unit.

Deputy Resendez contacted the homeowner, Mr. [redacted] who stated that he and his [redacted] saw a man in the backyard wearing only shorts, approaching the rear sliding glass door of his home. At this time, Deputy Resendez heard Deputy Ruvalcaba yell, "Hey you, stop. Wait, come here!" Deputy Resendez observed a male wearing shorts running southbound on Mt. Whitney Way toward the cul-de-sac. Deputy Ruvalcaba and Deputy De Bella went into foot pursuit believing the male was the prowler.

Deputy Ruvalcaba was four to five houses away from Deputy Resendez and the suspect was two houses beyond Deputy Ruvalcaba. Deputy Resendez then saw the suspect run between two houses in a westerly direction. Deputy Resendez immediately thought of containment. He jumped into his radio car, drove northbound Mt. Whitney to westbound Toscannini, then southbound Caddington. Deputy Chi followed in his patrol car behind Deputy Resendez and both contained the west area of the location.

Additional units were arriving at the location to assist. Since Deputy Resendez was the handling unit on the call, he requested over the radio for a unit to relieve him at his post. He never received a relief.

When Deputy Resendez heard over the radio that deputies were involved in a fight at a residence several houses from the original call, he left his post and responded to the location. The suspect was laying in the front yard waiting for Paramedics to arrive.

<u>IAB Note</u>: Refer to a copy of Deputy Resendez' transcribed interview for further details.

DEPUTY TERRI OSBURN, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Deputy Osburn and her partner, Deputy Farmar, responded to a prowler call to assist in a containment of the suspect. They took a position at Mt. Whitney and Toscannini in Rancho Palos Verdes.

Deputy De Bella broadcasted over the radio that they were involved in a fight and requested assistance. Deputy Osburn and Deputy Farmar responded to the residence. They were directed by the resident to a room in the rear of the house. Deputy Osburn heard several verbal commands being given to the suspect to stop fighting while Deputies Cliver, Ruvalcaba, Resendz, De Bella, Detective Williams and Chi were attempting to restrain him. The suspect continued to fight. Deputy Farmar then deployed his Taser at the suspect. The darts embedded in the suspect's chest.

Deputy Osburn detected an order of O.C. spray emitting from the room. Deputy De Bella

and Deputy Ruvalcaba ran out of the room coughing due to O.C. exposure.

The resident, Mr. [redacted] approached the room and was directed away by Deputy Osburn for his safety. Deputy Osburn returned to the room and noticed the broken window and the suspect in the backyard.

The suspect was still fighting with the deputies. They made their way to the south side of the house where deputies were attempting to handcuff him. Deputy Alarid deployed his Taser at the suspect and Deputy Yates applied the hobble restraint to his ankles. The suspect was finally handcuffed. Several deputies then carried him to the front yard to be treated by Paramedics.

> **<u>IAB Note</u>: Refer to a copy of Deputy Osburn's transcribed interview for further details.**

RESERVE SERGEANT JERRY KAONO, Employee #[redacted] was interviewed on September 1, 2009, by Internal Affairs Bureau Sergeants Teri Roberts and Frank Quichocho. The interview took place at Lomita Sheriff's station and was digitally recorded. The following is a summary.

Sergeant Kaono was working unit 171J with his partner, Deputy Alarid. They heard a prowler call broadcasted over the radio. The call was assigned to another patrol unit. They monitored the call as it was out of their patrol area.

Minutes later, Sergeant Kaono heard emergency traffic on the radio indicating deputies were involved in a fight with the suspect inside the residence and were requesting assistance.

Sergeant Kaono advised SCC that they were responding. Aero was hovering above the location and broadcasted over the radio that the suspect was fighting with deputies in the backyard of the residence.

When Sergeant Kaono and Deputy Alarid arrived at the residence, the male resident directed them to the backyard. Sergeant Kaono saw a scuffle and commotion in the backyard which eventually ended up on the south side of the house. The access way was approximately four feet wide with lots of vegetation around it and was not very well lit. Several deputies were crowded in the access way struggling with the suspect and attempting to control him. The deputies were also bloody.

Sergeant Kaono heard someone say, "Taze him!" Someone else said, "I'm going to Taze." The Taser was deployed and there was no affect.

Deputies were shouting, "Roll him over. Roll him over." They were having difficulty rolling him over to his side. Sergeant Kaono saw the suspect flailing one arm and kicking the deputies. Someone else shouted, "Tase him again." The suspect was yelling

incoherently.

Sergeant Kaono saw Deputy Alarid deploy his Taser at the suspect. There was no affect. The deputies were unable to control the suspect and were literally being tossed by him.

Sergeant Kaono heard someone ask for a hobble. Deputy Yates ran to his car to retrieve a hobble. Deputy Yates returned and applied the hobble to the suspect's flailing legs. Several deputies carried the suspect to the front yard of the residence for Paramedics to medically evaluate and treat.

Sergeant Kaono obtained the video camera from the back of the Sergeant's vehicle and began videotaping the suspect's behavior while he was laying in the front yard of the residence. Sergeant Kaono also took photographs from his I-phone.

> **<u>IAB Note</u>: For the videotape of the suspect, refer to Exhibit "H", see CD marked "Video of S/Lee on grass."**

> **<u>IAB Note</u>: For photos taken by Sergeant Kaono, refer to Exhibit "H".**

Approximately one half hour later, a deputy requested immediate assistance in the emergency room at Little Company of Mary Hospital due to the suspect fighting with hospital personnel.

Sergeant Kaono and Deputy Alarid responded to the hospital Code 3. The suspect was struggling with hospital security, Sergeant Taylor and five deputies. The suspect spit blood and became very aggressive towards the staff when they were applying soft restraints to his limbs. He was finally sedated.

Sergeant Kaono observed two sets of darts in the suspect's upper torso. Two darts were very close and embedded in the mid-section of the left rib cage area. The two additional darts were lower, just above the belt line and belly button, two to three inches apart.

The hospital personnel told Sergeant Kaono that the suspect continued to be very aggressive after sedating him four times. He went from docile to aggressive. Dr. Melendez indicated the suspect has a condition which is causing swelling to the brain. After speaking with the suspect's [redacted] he indicated the suspect recently went through a [redacted] and is suffering from chronic depression. The suspect was also using drugs.

> **<u>IAB Note</u>: Refer to a copy of Reserve Sergeant Kaono's transcribed interview for further details.**

NON-DEPARTMENT WITNESS STATEMENTS:

MR. [redacted] was contacted by Deputy Resendez as a result of a service call. Mr. [redacted] stated he and his [redacted] saw an unknown male in their backyard approaching the sliding glass door. He had no shirt and was only wearing shorts. Mr. [redacted] contacted the Sheriff's Department via 911 and provided a description of the male.

WITNESS [redacted] was interviewed on September 1, 2009 , by Internal Affairs Sergeants Teri Roberts and Frank Quichocho. The interview took place in his home at [redacted] and was digitally recorded. The following is a summary.

At approximately 2000 hours, Mr [redacted] and his [redacted] were sitting on the couch watching TV. They heard a noise in the backyard. They looked toward the glass door and saw a figure of a man run by. They walked to the door and saw the male running around the yard. He was not wearing a shirt and had a "real wild and crazy look to him." The male said something to them but they were not able to understand what he said. They believed the male was [redacted] who lives [redacted]

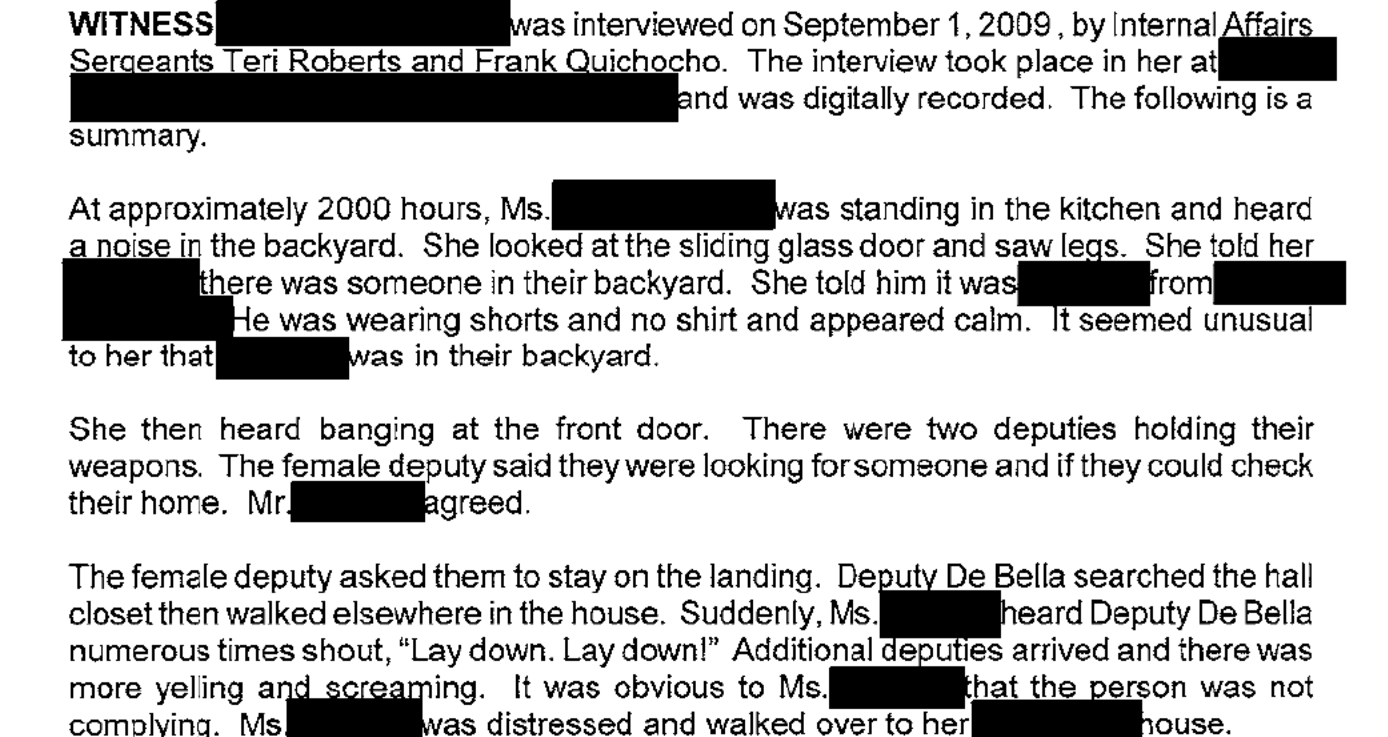
Suddenly, they heard a commotion at the front door. They opened the front door and saw two deputies with their weapons out of their holsters. The deputies told Mr [redacted] that they were chasing a male and believed he went into their backyard. They asked to come in.

Mr. [redacted] allowed the deputies in the house. The deputies walked into the backyard through the sliding glass door. Mr [redacted] heard the helicopter hovering over his house. The deputies did not locate the suspect in the backyard. Mr. [redacted] told them he and his [redacted] saw someone in the backyard and asked if the suspect could have entered the house through the unlocked sliding glass door. Ms [redacted] went to a neighbor's house while Mr. [redacted] remained standing on the front landing.

Deputy De Bella began to search the house. She searchd the hall closet. She then walked into the kitchen and stepped into the office area. Mr. [redacted] heard Deputy De Bella shout, "Get down. Get down!" approximately a dozen times. She then said, "Don't you come towards me," or "You don't want to do that," or something to that effect. The fight started. Deputy Ruvalcaba walked into the house from the backyard and both deputies began to struggle with the suspect. Mr [redacted] heard yelling and screaming in the room. Six to eight deputies arrived and all he could do is point to the office where the suspect was fighting. Mr [redacted] walked toward the kitchen and as told by a female deputy to sit on the stairway in the other room.

Mr. [redacted] heard glass breaking and more yelling and screaming. The deputies took the suspect around the side of the house to the front yard. Mr [redacted] identified the male to be [redacted] He has never seen [redacted] react in this manner in the past.

IAB Note: Refer to a copy of Mr.[redacted] transcribed interview for further details.



WITNESS [redacted] was interviewed on September 1, 2009, by Internal Affairs Sergeants Teri Roberts and Frank Quichocho. The interview took place in her at [redacted] and was digitally recorded. The following is a summary.

At approximately 2000 hours, Ms.[redacted] was standing in the kitchen and heard a noise in the backyard. She looked at the sliding glass door and saw legs. She told her [redacted] there was someone in their backyard. She told him it was [redacted] from [redacted] He was wearing shorts and no shirt and appeared calm. It seemed unusual to her that [redacted] was in their backyard.

She then heard banging at the front door. There were two deputies holding their weapons. The female deputy said they were looking for someone and if they could check their home. Mr.[redacted] agreed.

The female deputy asked them to stay on the landing. Deputy De Bella searched the hall closet then walked elsewhere in the house. Suddenly, Ms.[redacted] heard Deputy De Bella numerous times shout, "Lay down. Lay down!" Additional deputies arrived and there was more yelling and screaming. It was obvious to Ms.[redacted] that the person was not complying. Ms.[redacted] was distressed and walked over to her [redacted] house.

Ms.[redacted] did not notice anything missing from her home.

IAB Note: Refer to Ms.[redacted] audio interview for further details.

SUSPECT STATEMENTS:

SUSPECT JAMES LEE, booking #2040676, was not interviewed by investigators due to his mental state and the fact that he was represented by counsel.

After his court case concluded in May 2010, I contacted Mr. Lee. He did not wish to talk about the incident. However, he provided a medical release for Internal Affairs Sergeant Roberts to obtain his medical records from Little Company of Mary Hospital.

IAB Note: Refer to Exhibit "F" for S/Lee's medical authorization and medical report.